

ORDINANCE NO. 45-954

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2003-00054

Amendment to Protective Overlay #17 as adopted by Ordinance No. 43-523 on property described as:

Lots 1 and 2, Block 5, Maple Dunes Addition to Wichita, Sedgwick County, Kansas.

Generally located at the northeast corner of Maple and 135th Street West.

THE RESTRICTIONS OF PROTECTIVE OVERLAY DISTRICT #17 ARE HEREBY AMENDED AS FOLLOWS:

1. Amend Restriction 1A to clarify that electronic message boards are a permitted sign type.
2. Modify Restriction 1E to permit 246 square feet of pole/ground signage as follows: one 75 square foot sign allocated to Parcel 2 along 135th Street; one 75 square foot sign allocated to Parcel 2 along Maple and one 96 square foot sign allocated to Parcel 1 to be located along Maple. Both 75 square foot signs are limited to 18 feet in height and the 96 square foot sign is limited to 10 feet in height. All ground/pole signs are to be monument type signs.
3. Revise Restriction 1F to permit Lot 1 to have building signs in accordance with the standards of the "LC" Limited Commercial District (no more than three signs for each business on each building elevation having street frontage or a parking area of 150 feet or more; signage area is limited to no more than 20% of each building area or more than 400 square feet in area, nor taller than 30 feet), except the aggregate signage for each elevation shall not exceed 110 square feet in area. No building sign, except for directional signs, shall face the residential area to the east. Building signage on Lot 2 shall be that permitted in the "LC" Limited Commercial district

except that the aggregate signage for each elevation is limited to 75 square feet, and no building signs, except directional signs, shall face east.)

4. Modify Restriction 3 to allow one full movement joint opening along Maple to be shared between Parcels 1 and 2, one full movement opening along Maple for Parcel 2, and one full movement opening along 135th Street to be shared between Parcels 1 and 2 via an access easement.
5. Revise Restriction 11 to require all buildings within a parcel to share uniform architectural character, color, texture and have the same predominate exterior building material as the other buildings located in such parcel. Building walls and roofs must have predominately earth toned colors, with vivid colors limited to incidental accent. Metal shall not be permitted as a predominate exterior building material for any building within either parcel.
6. None of these amendments shall become effective unless, within 90 days following final approval, the applicant elects to dedicate, by separate instrument, the access controls required above.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED AT WICHITA, KANSAS, DECEMBER 16, 2003.

Carlos Mayans - Mayor

ATTEST:

Karen Schofield, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney